R.D. File No. 478

1939

P 1 4

Collection No

A

Mysore Residency

CB 22/7/47

Pros. / Serial Nos. 1 — 3

(K)

Subject.

Payment of a share of the fines, compounding fees and sale proceeds of confiscated articles as rewards to the Subordinates of the Town ~~Daffy~~ Duty Department.

| Previous References. | Later References. |
|---|---|
| 186/1907 | R 7 5-80/40 |

# NOTES AND PRECIS.

D.No.5598. S.N.(1).

The audit objection is in respect of payments made in 1937-38. The Standing Order issued by Mr.Williams is dated 21-9-1938 and covers only payments made after that date. Apparently, a scheme of distribution on the scale authorised in the Standing Order was in vogue even before the issue of that Order. It may be assumed that the practice, though not covered by specific orders, had the approval of the P.M.C.

Presumably, the fines, compounding fees and sale proceeds of confiscated goods are credited in full to the Municipal Funds, and rewards are paid not from the receipts direct but from specific provision made in the budget for the purpose.

It seems that the practice of permitting Municipal employees to receive rewards and the application of Municipal Funds for the purpose of giving rewards to the staff should have the general approval of the Commission. Please see in this connection clause (k) of Section 69 of the Municipal Law. But, if separate provision has been made in the budget for the grant of rewards to the staff, it may be assumed that the Commission has agreed to the principle and also to the incurring of the expenditure, while approving the budget. No details are however available in the printed budget.

Resident's sanction appears to be necessary both under section 69(k) of the Municipal Law and under F.R. 47. Payment of rewards to the extent of half the fines is covered by the orders of 1924. Sanction now sought for is for payment of rewards to the extent of (i) half of the compounding fees and (ii) two-thirds of sale proceeds of confiscated goods after deducting expenses

and

and duty due

The P.M.C. requests that -

(1) payments already made in 1937-38 may be approved and

(2) future payments on a similar scale may be authorised.

If approved, the proposal to grant rewards on the scales suggested may be sanctioned. As regards past payments, P.M.C. has asked for sanction in respect of payments made in 1937-38 only. It seems that payments made in 1938-39 and 1939- 40 (to date) should also be regularised. We may ask P.M.C. to send a list of payments made in 1938-39 and 1939-40.

For orders

14.6.39

(From para 1)

Para 2. The rewards paid are being taken in reduction of receipts and not shown as expenditure. Following the procedure observed in Government accounts in similar cases the payment may be required to be exhibited on the expenditure side in future. Vide in this connexion Sections 177(3) & 178 of Bangalore Municipal Law according to which compounding fees and fines are to be credited to the Municipal Fund. The rewards paid to Municipal servants should therefore be treated as payment from the Municipal Fund.

Para 3. The payments being in the nature of 'Honoraria' may be sanctioned by the Resident under F.R.47 following the procedure adopted in 1924.

Para 6. Action may be taken as proposed.

J. N. Rangopal 17.6.39

I think that the fee should be charged to expenditure, and that sanction of the Commissioner should be required before Resident confirms

19/6/39.

P.T.C. U/o

U.O. No. D.5598-39 D. 19-6-39.

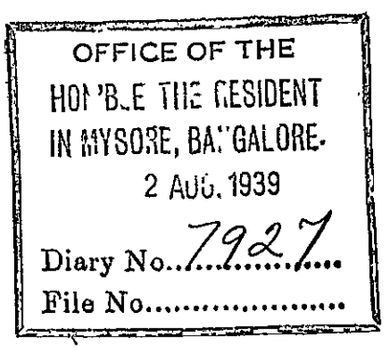
The matter was placed before the Municipal Commission on the 27th July 1939 and they accorded approval to the following :-

(1) Payment of rewards (amounting to Rs.42-7-3) in accordance with the Standing Order dated 21st September 1938 to the employees of the Town Duty Department from 1937-38 up-to-date. (Revised list is enclosed)
(2) Payment of rewards on the same lines in future.

slip (2)

The payments made to the staff will be charged to expenditure in future and necessary provision will be made in the budget.

1. 8. 39.




To
The Secretary to the Hon'ble the Resident in Mysore, Bangalore

U.O. No. 541/38 Dated 1939.

Encl. list

We may agree

4/8/39.

Resident

8190 S.N. 2

Please see also para. 12 ante. Draft submitted.

K.K. 39
7-8-39

7-8-39

F-A

J. L. Kapoor
8.8.39

# CORRESPONDENCE.

£5—3,000—12—5—39

No. 524/38 Envel 3

S N 1

CIVIL & MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.

Dated 31st May 1939

From

H. H. CARLESTON, ESQ., I.C.S.,
*President, Municipal Commission,*
*Civil and Military Station, Bangalore.*

To

OFFICE OF THE
RESIDENT IN MYSORE, BANGALORE.
2 JUN. 1939
Diary No. 3155-98
File No.

*The Secretary to the Hon'ble*
*the Resident in Mysore,*
*Bangalore.*

Sir,

Subject:- Payment of a share of the compounding fees and sale proceeds of confiscated articles as rewards in cases where fines are not recovered.

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S.N.78
Fifg-01(7)

I have the honour to invite a reference to your memorandum No.8524/186-1901, dated 29th October 1924 conveying the sanction of the Hon'ble the Resident to the payment of half of the fines levied in each case for the detection of offences etc., to the permanent subordinates of the Municipal Commission and to state that Mr. Williams considered that that rewards should also be given (1) in cases which are compounded and in which composition fees are paid by the parties and (2) in cases where only the value of the confiscated goods is realised (that is when the accused does not pay the fine).

Mr. Williams accordingly issued a Standing Order (copy enclosed) providing for the payment as rewards, in the above cases, of 1/2 the composition fees and 2/3rd of the net amount realised from the sale of the confiscated goods after deducting all the expenses and also the duty.

The Auditor has pointed out in his audit notes (copy enclosed) that the sanction of the Hon'ble the Resident is necessary for such payments.

I therefore request that the payments already made in 1937 - 38, as set forth in the enclosed list, may be approved

approved and that future payments on a similar scale may be authorised.

I have the honour to be,
Sir,
Your most obedient servant,

H. H. Carleton

PRESIDENT, M. C.

M.AAR.,
30-5-39.

*List showing the rewards paid (2/3rds of net sale proceeds) where only the value of the confiscated goods was realised in 1937 - 38.*

*LIST 1.*

| *Case No.* | *Reward paid.* |
|---|---|
| *3334/37* | *Rs.5-10- 8.* |
| *3335/37* | *9- 2- 0.* |
| *3803/37* | *6- 7- 3.* |
| *4195/37* | *2- 6- 0.* |
| *4246/37* | *2- 1- 4.* |
| *1380/38* | *0-14- 2.* |
| *3217/38* | *0-13-10.* |
| *T o t a l :-* | *Rs.27- 7- 3.* |

*LIST 2.*

*List showing the rewards paid (half of the composition fees) where the case was compounded.*

| *Case No:* | *Reward paid.* |
|---|---|
| *4302/37* | *Rs.15- 0- 0.* |
| *T o t a l :-* | *Rs.15- 0- 0.* |

*M.AAR.,*
*30-5-39.*

No:3/38. Civil and Military Station, Bangalore,
Municipal Office,
dated 21st September 1938.

STANDING ORDER.

The following procedure should be adopted in future for the distribution of rewards in the Town Duty Department :-

'1) In the case of fines imposed by courts, half of the fines may be given as rewards.

'2) In instances where cases are compounded half of the compounding fees may be given.

and (3) Where only the value of the confiscated goods is realised (namely where the Accused does not pay the fine) two thirds of the net value that is after deducting all the expenses which include the duty also, may be given.

(Sd). C. P. Chandran,

for President, M. C.

No:541/38. dated 21st September 1938.

Copy forwarded to the Town Duty Superintendent for information and guidance.

(Sd). C. P. Chandran,
21-9-38,

SECRETARY, M. C.

(copy)

M.AAR.,
30-5-39.

*Extract of paragraph 16 of the report on the audit of the Accounts of the Civil and Military Station Municipality for 1937 - 38.*

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'16. *Rewards to Staff for detection of offences.*

S.N-78
F186-01(7)
(T)

*Under the sanction accorded in Secretary to the Hon'ble the Resident's No.8524/186-1901, dated 29th October 1924, the President is authorised to pass rewards to the extent of half the fines levied in each case. A share of the compounding fees and* ~~*also*~~ Rule *proceeds of confiscated articles is now being paid as rewards in cases where fines are not recovered. As this is not covered by the Resident's orders of 1924 his sanction may please be obtained.*

*(copy)*

*M.AAR.,*
*30-5-39.*
MK

5—3,000—12—5—39

CIVIL & MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

S. No. Dated 4th August, 1939.

From

H. H. CARLESTON, ESQ., I.C.S.,
*President, Municipal Commission,*
*Civil and Military Station, Bangalore.*

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
5 AUG. 1939
Diary No. 8100
File No. Ag:7227

To

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

Subject - Payment of a share of the compounding fees and sale proceeds of confiscated articles as rewards in cases where fines are not recovered.

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In continuation of my letter No.541/38 dated the 31st May 1939, I have the honour to forward herewith a copy of the Municipal Commission s resolution No.15 dated the 27th July 1939, approving of the payment of Rs.42-7-3 made from 1937-38 up to date and according sanction to the payment of rewards in future on the scale now in force. I request that the Hon ble the Resident may be pleased to confirm the Commission's resolution.

I have the honour to be,

Sir,

Your most obedient servant,

H H Carleston

PRESIDENT, M.C.

HB. 3/8/1939.

Municipal Commission's resolution dated the 27th July 1939.

Ordinary Meeting

15. Consideration of the question of payment of rewards to employees of the Octroi Department for detection of offences and of making a provision in the budget for that purpose.

Recommended.

Resolved :-

(1) that the payment of rewards in accordance with the standing order dated 21st September 1938, (amounting to Rs.42-7-3) to the employees of the Town Duty Department from 1937-38 up-to-date for detection of offences be approved.

(2) that, in future, payment of rewards on the scale now in force be sanctioned.

(File No.87 of 1939)

(Sd.) H. H. CARLESTON,
PRESIDENT, M.C.

List showing the Rewards paid (2/3rd of net sale proceeds where only the value of confiscated goods was realised.

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| Case No. | 1937-38 | Rewards paid. |
|---|---|---|
| | - Nil - | |
| | 1938-39 | |
| 3334/37 | ..... | 5-10- 8 |
| 3335/37 | ..... | 9- 2- 0 |
| 3803/37 | ,,,,..... | 6- 7- 3 |
| 4195/37 | ..... | 2- 6- 0 |
| 4246/37 | ..... | 2- 1- 4 |
| 1380/38 | ..... | 0-14- 2 |
| 3217/38 | ..... | 0-13-10 |
| | TOTAL:- | 27- 7- 3 |

1939-1940 up-to-date

- Nil -

List showing the rewards paid (1/2 of the composition fees) where the case was compounded.

1937-38.

| C.C.No. | | |
|---|---|---|
| 4302/37 | ..... | Rs.15- 0- 0 |
| | 1938-39 | |
| | - Nil - | |
| | 1939-40 up-to-date | |
| | - Nil - | |
| | GRAND TOTAL :- | Rs.42- 7- 3 |

Draft.

19

R.Dis.No.F. 478 -39/G.& A.

Dated Bangalore, the 15th August 1939.

From

Secretary to the Resident.

To

The President,
Municipal Commission,
C. & M. Station, Bangalore.

Payment of a share of the fines, compounding fees and sale proceeds of confiscated articles as rewards to the subordinates of the Town Duty Department.

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Reference your letters No.541/38 dated the 31st May 1939 and No.3288/39, dated the 4th August 1939.

2. The Resident approves, with effect from the 1st August 1939, the following proposals adopted by the Muni. Commission for the distribution of rewards to subordinates of the Town Duty Department:-

(i) In the case of fines imposed by courts, half of the fines may be given as rewards;

(ii) When cases are compounded, half of the compounding fees may be given; and

(iii) In cases where the accused does not pay the fine and only the value of the confiscated goods is realised, two thirds of the net value after deducting all expenses including the duty, may be given.

3. The Resident also accords post-facto sanction to the payment of rewards amounting to Rs.42-7-3 already made during 1937-38, 1938-39 and 1939-40, as per list enclosed.

for SECY. TO THE RESDT.